

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ADAM CHASTEEN,

Petitioner,

-vs-

WARDEN, Madison Correctional
Institution,

Respondent.

:

Case No. 1:10-cv-804

:

District Judge S. Arthur Spiegel
Magistrate Judge Michael R. Merz

:

**DECISION AND ORDER DENYING PETITIONER'S SUPPLEMENTAL MOTION FOR
COURT INTERVENTION AND GRANTING IN PART AND DENYING IN PART
PETITIONER'S MOTION FOR EXTENSION OF TIME**

This case is before the Court on Petitioner's Supplemental Motion for Court Intervention (Doc. No. 49) which Respondent opposes (Doc. No. 50). Having considered those arguments, the Court is not persuaded that intervention beyond that ordered on December 20, 2011, is required to protect Petitioner's ability to litigate this case as it relates to the voicemail messages in question. In reaching this conclusion, the Court has itself listened to the CD. Further intervention is denied.

In his Motion for Extension, Petitioner seeks until February 10, 2012, to file his reply, believing that he now has until January 10, 2012, because that is twenty-four days after Respondent filed his most recent supplement to the return of writ. What was filed on December 14, 2011, was the bench trial transcript (Doc. No. 45). Petitioner has acknowledged that he already has the trial transcript, albeit with slightly different pagination (Doc. No. 52). The Court has recently advised Petitioner that his reply is due on December 26, 2011, not January 10, 2012 (See Doc. Nos. 43).

Petitioner has not shown good cause for an extension. However, since Petitioner apparently expected to have until January 10, the Court grants an extension to that date. No further extensions will be granted.

December 22, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge